

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

RAMON MARTINEZ,  
Petitioner,  
v.  
D. BREWER,  
Respondent.

No. 2:23-cv-00707-EFB (HC)

ORDER

Petitioner is a federal prisoner proceeding without counsel seeking a writ of habeas corpus pursuant to 28 U.S.C. § 2241. ECF No. 1. Respondent subsequently filed a motion to dismiss the petition (ECF No. 8), and when petitioner did not respond, he was ordered to do so by this court. ECF No. 9. Petitioner still did not file a response within the required time, but he did file a motion to stay proceedings because he was in the midst of an institutional transfer to an unknown location. ECF No. 10. Petitioner also averred that he had not received respondent's motion to dismiss. *Id.*

Petitioner has now been transferred to USP Lompoc. ECF No. 11. He has not filed a response to respondent's motion to dismiss, and again states that he has not received any filing from respondent addressing his petition. ECF No. 12.<sup>1</sup>

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<sup>1</sup> Respondent did serve the motion to dismiss to petitioner via mail to FCI Herlong, where petitioner was previously incarcerated. ECF No. 8 at 5.

1 In light of these facts, the court will grant a brief extension of time for petitioner to either  
2 file a response or a statement of no opposition to respondent's motion to dismiss.

3 Accordingly, it is hereby ORDERED that:

- 4 1. The Clerk of Court shall send petitioner a copy of the documents filed at ECF No. 8.
- 5 2. Petitioner shall have 30 days from the date of service of this order to file a response to  
6 the motion to dismiss or a statement of no opposition. Failure to comply with this  
7 order will result in a recommendation that this action be dismissed without prejudice.
- 8 3. Petitioner's motion to stay pending his institutional transfer (ECF No. 10) is hereby  
9 denied as moot.

10  
11 Dated: November 27, 2023

  
EDMUND F. BRENNAN  
UNITED STATES MAGISTRATE JUDGE